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THE STONE JUG

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The Stone Jug was an interesting little building, built in 1868 or 1869, by E. J. Curtis, on the southwest corner of Sixth and Main, in downtown Boise. The Stone Jug housed executive offices of the territory much of the time, especially during the many years that Curtis served as territorial secretary. [Boise, City of Trees: A Centennial History, Idaho Historical Series Number 12, page 6.] Even it's demise is an interesting story.

TROUBLE OVER A WALL

DEMOLITION OF THE STONE JUG LEADS TO A SCENE.

OBJECTION BY MR. SMITH

He Don't Want the Wall of His Store Taken Out;

So He Has Mr. Montandon and His Men Arrested.

Exciting scenes were enacted on Main street yesterday over the tearing down of the party wall which is between the property known as the Stone Jug, which lately passed into the hands of A. F. Montandon, and the store occupied by O. W. Smith & Co., owned by Alois Georges. The opposing forces came into conflict several times, and the business was finally settled by Mr. Smith's appearing before Probate Judge Koelsch and swearing out a warrant for the arrest of Mr. Montandon and two of his workmen. The men gave bonds for their appearance today at 2 o'clock.

Then the Montandon party went back to their work of demolishing the wall, while Mr. Smith hastened back to Judge Koelsch to ascertain if there was not some means of stopping them. As the probate court has no jurisdiction in the matter of issuing injunctions, and as Judge Stewart is taking his vacation at the Payette lakes, Mr. Smith had no means of bringing the proceedings to a stop and was forced to solace himself with recovering in a damage suit.

The facts in the case as far as could be learned are as follows:

Yesterday morning the gang of workmen who have been engaged in the work of tearing down the old single storied building, which goes by the name of "Stone Jug," reached a stage in their work of demolition when it be came necessary to tear down the party wall which separates the two buildings. The jug had a wall of its own, made out of stone. Next to this and partially affixed to it was a single layer brick wall,

which was on and belonged to Mr. Georges' building. This had no foundations suitable for the building which it is Mr. Montandon's purpose to erect and it became necessary to erect one suitable for the building. Mr. Georges and Mr. Montandon had been in conference over the matter and had come to an agreement about the erection of this new wall; Mr. Montandon agreeing to erect the same and to put the wall in Georges' building in as good shape as he had found it, while Mr. Georges, in case he should at any time require the use of the wall for building purposes, as to pay Mr. Montandon a settled amount for the portion he might use. Thus the owners were at one.

At this juncture in comes Mr. Smith. His cogitations ran in the line of endeavoring to see where he came in. It appeared to him that he was the person who would be discommoded by the building operations; that it was his business which would be interfered with; his store room that would be taken up, and he did not want to stand for it.

So, in the morning when the workmen went into the store for the purpose of putting braces to shore up the roof and to take other such precautions, Mr. Smith made a vigorous kick: he said that he did not propose to allow anyone to tear down that wall: he had cars of material on the tracks which he desired to store in the space the props would take up which would be ruined by the dust. Mr. Montandon offered to put in an artificial wall of wood, but Mr. Smith would have none of it, and after a spirited argument between Mr. Montandon, Mr. Campbell, the architect, and Mr. Smith, the latter ordered the former two off his premises and they departed.

By this time, everybody was well warmed up. Mr. Montandon said that the wall was coming down and began erecting a scaffolding on his own property for the purpose of tearing down the wall from his own side. Mr. Smith let them go as long as they confined their efforts to tearing down their own wall, but the moment they attempted to touch a brick of his wall, he appeared on the roof and drove them away.

Mr. Montandon then ordered the workmen to proceed, but Mr. Smith was belligerent and they hesitated. He had a hammer and a brick, but Mr. Montandon finally prevailed on his myrmidons to resume and they did, in spite of Mr. Smith's flourishes. Then Mr. Smith summoned the police. They came, but as the workmen seemed to be proceeding in an orderly way and doing nothing to fracture the peace, they had no power to do anything, and so informed Mr. Smith. Then Mr. Smith hastened to the courthouse and swore out a warrant for Mr. Montandon and returned accompanied by Sheriff Campbell and Deputy Sheriff Robinson. The sheriff took Mr. Montandon into custody, but that gentleman told his men to proceed with the work and said he would be back directly.

Mr. Smith evidently thought that the sheriff would stop the

workmen, but he had no power to do this, as his warrant merely commanded him to produce Mr. Montandon in court, which he proceeded to do, leaving his deputy to see that no trouble occurred. At the court house Mr. Smith swore out warrants for two of the workmen and the sheriff departed to bring them into court. Mr. Montandon then offered bonds for the appearance of his party at the time fixed for the hearing and they departed. In about 10 minutes Mr. Smith was back in court. "Judge," he said, "they are tearing down my wall again!" Judge Koelsch could do nothing, however. He read the duties of the probate court to Mr. Smith, and showed him that the charge against the defendants was misdemeanor, and that he had no way to stop them from proceeding with their work. "I stand ready to be advised," concluded the judge, "and I will issue a warrant upon legal advice within my jurisdiction. Your remedy lies in a higher court and you should apply there."

Then it was found that Judge Stewart was away. "What I want is something to stop them from tearing down that wall," said Mr. Smith, "it is interfering with my business; all my goods will be ruined by dust if they continue. A suit for damages will do me no good after the harm is done." The judge could not help him and he went away.

Mr. Montandon, when he left the court said: "I didn't foresee the trouble that this thing would bring on when I started to build this store or I would have let it alone. I bought the property and was willing to build two months ago, but I would not start work until everything was agreeable. I told Mr. Georges and Mr. Smith that I would make a few trifling improvements to the property and let it rent for what it would before I would enter into any litigation about it. Mr. Georges and I talked the wall matter over and came to an agreement and I understood that there would be no objection raised. Then I started the work and Mr. Smith began objecting and saying he would not let the wall come down. He has been acquainted with my design to build for over a week and we have delayed work in order to give him a chance to enjoin us and have the matter settled. I am very willing to meet him in court, and now that I have started this matter, I will see it through to a finish, and you can depend on it."

After the court room scene the work proceeded merrily on and a good portion of Mr. Smith's upper story was laid bare before it came time to quit. There are no beams to support the roof and it will be interesting to see what will happen before the time for the trial, which is set for 2 o'clock, rolls around. Both sides were very little inclined to compromise when the work ceased and it looked like a fight to a finish.

At present, Mr. Smith had Mr. Montandon and his workmen charged with misdemeanor, and if they are convicted they will only have to pay a fine and go back to work. If they are cleared, they can again continue and Mr. Smith will have no

remedy, but to make out a bill of damages and bring suit.
Idaho Daily Statesman, August 14, 1900, p. 5, c. 5-6.

WHITE DOVE OF PEACE PERCHES ON THE STONE JUG

The white bird of peace again hangs over the old "Stone Jug!"

Montandon and Smith are again friends; at peace with themselves and all the world. The workmen who were so summarily driven from the work of putting in a board partition between the properties Tuesday, entered the Smith store and began their work yesterday, just as if nothing had occurred the day previous. Tuesday the work was conducted amid the threatenings of the contending parties and the serving of warrants galore, to the amusement of a crowd of spectators. Yesterday spectators could not be hired to stand before the building for any length of time.

What had happened during the night no one could tell. Any inquiry directed toward finding out what had occurred to bring about this peaceful state of affairs was met by the lamblike statement that the gentlemen had come to an agreement. This was the whole story. Whether Montandon had hypnotized Smith, or Smith had hypnotized Montandon, could not be ascertained.

When the time set for the trial of Mr. Montandon and his workmen arrived, neither the accuser nor the accused appeared. County Attorney Frawley, however, was on hand prepared to vindicate the law, but he and Judge Koelsch were alone and did not ex sua parte contain all the ingredients of a suit at law. So the judge, who is an obliging man, went in search of the delinquents and found the dove white emblem of peace perched on the party wall of the "Stone Jug." The former contending parties said that the breach had been healed and that legal remedies were no longer desired, and thanked the judge for the trouble he had been put to. Thus the fiery rocket which had ascended in much smoke the day previous came down a blackened stick in which no man had any interest.

Idaho Daily Statesman, August 15, 1900, p. 4, c. 3.

Thus, the Stone Jug passed out of existence and with it some fascinating memories of the beginnings of early Boise and the Idaho State Legislature.

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